

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN CAROLYN SQUIRES**, on March 4, 2005 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Carolyn Squires, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Jon Ellingson (D)
Sen. Jeff Essmann (R)
Sen. Steven Gallus (D)
Sen. Rick Laible (R)
Sen. Dave Lewis (R)
Sen. Jim Shockley (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Claudia Johnson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 67, 2/23/2005; HB 107,
2/23/2005; HB 139, 2/23/2005
Executive Action: HB 67; HB 107; HB 139

HEARING ON HB 67**Opening Statement by Sponsor:**

REP. LARRY JENT (D), HD 64, opened the hearing on **HB 67**, Revise Montana procurement act. He stated this bill amends the Montana Procurement Act that was adopted in 1983, and has been amended numerous times to keep up with the changes. He gave an example what this bill covers, such as; lowest bid on auctioning items on E-Bay. The bill also keeps in line with court decisions.

Proponents' Testimony:

Sheryl Olson, Department of Administration, informed the Committee there is a conflict between Titles 16 and 18, in regard to agency liquor stores. This bill clarifies that language. She urged the Committee to concur on HB 67.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. COONEY commented that the Capitol Renovation Committee wasn't able to competitively place a bid due to current law, nor staying in compliance with sealed bids.

{Tape: 1; Side: A; Approx. Time Counter: 14.6 - 25.9}

Closing by Sponsor:

REP. JENT closed stating this bill brings the statute into compliance with current law, and removes the sunset provision for innovative bidding that will save the state money.

HEARING ON HB 107**Opening Statement by Sponsor:**

REP. LARRY JENT (D), HD 64, opened the hearing on **HB 107**, Revise laws governing placement of art and antiques inside and around the Capitol complex. He talked about the Capitol Complex Advisory Council, and the need to develop an Art Memorial plan for the inside and outside of the Capitol Complex. He informed the Committee that the monies for the inside art of the Capitol building was appropriated in the 2003 Legislature. The items listed in the bill are currently located around the Capitol

Complex. This bill also eliminates the Pearl Harbor Memorial Committee, and certain administrative provisions relating to the completion of the memorial to the Pearl Harbor Survivors. There are certain items entrusted to the Montana Historical Society for storage or temporary display until a suitable location is identified, recommended for placement by the council, and approved by the legislature for long-term placement. **REP. JENT** discussed the Ten Commandments Monument on the Capitol Complex. He talked about a case in Texas of a homeless attorney who challenged the Supreme Court regarding the location of the Ten Commandments on the Capitol Complex in Texas. He informed the Committee that our Ten Commandments could also be upheld in a court of law.

Proponents' Testimony:

Arnie Olsen, Director Montana Historical Society, stated his support for HB 107. He distributed written testimony (see exhibit 1). He informed the Committee that the art items not used on the Capitol Complex are kept at the Montana Historical Society. He stated that there had been a public hearing, which the Council voted to recommend to the Legislature that we retain the Ten Commandments monument on the Capitol grounds, and to recommend that this memorial also be listed in statute along with everything else on the complex. This decision was based on the similar Van Orden v. Perry case in Texas, which held that the monument was considered historic in nature, and part of a National Register listing nomination. He stated that the U.S. Supreme Court is reviewing this due to inconsistent rulings in the lower courts regarding retention and/or removal of the Ten Commandments. **Mr. Olsen** said that future legislation of this type will only be necessary if new items are proposed for placement on the Capitol Complex or in the Capitol building.

EXHIBIT(sts48a01)

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

CHAIRWOMAN SQUIRES asked **Arnie Olsen** where is the plaque of the list of Montana women legislators. **Mr. Olsen** responded that it is at the Montana Historical Society where it is being renovated to be placed back on the walls here in the Capitol building.

SEN. COCCHIARELLA asked about tree planting as living memorials. **Sheryl Olson, D of A**, replied that trees can be planted on the

complex by contacting the Department of Fish, Wildlife, and Parks.

{Tape: 1; Side: B}

SEN. COONEY asked about the lower court case in Texas in regard to the Ten Commandments. **REP. JENT** replied that the Ten Commandments wouldn't have to be removed unless someone objected to it, and/or filed a lawsuit.

Closing by Sponsor:

REP. JENT closed. He asked the Committee to concur on HB 107.

HEARING ON HB 139

{Tape: 1; Side: B; Approx. Time Counter: 5.9 - 11.6}

Opening Statement by Sponsor:

REP. DAVE GALLIK (D), HD 79, opened the hearing on **HB 139**, Adopt most recent version of federal military laws. **REP. GALLIK** informed the Committee this is a recurring bill. He said that the Adjutant General, Randy Mosley, requested this bill so the state of Montana can keep current with federal military laws. The Supreme Court ruling gives the Legislature authority to adopt only existing federal laws, so they have to come before the legislature every session. He wants to amend the bill to give the Governor and the Adjutant General authority to prescribe specifically to Montana's rules and regulations that apply to the Armed Forces of Montana, but doesn't necessarily conform to federal rules and regulations.

Proponents' Testimony:

Colonel Bradley, Chief, Montana National Guard, distributed testimony on behalf of Adj. Gen. Randy Mosley. He said that the Department of Military Affairs is in support of HB 139.

EXHIBIT (sts48a02)

Roger Hagan, representing the Officer and Enlisted Associations of the Montana National Guard, wasn't present, but had written testimony presented in support of HB 139.

EXHIBIT (sts48a03)

Opponents' Testimony: None.

Informational Testimony:

Lieutenant Colonel James Moran, full-time deputy staff, said when they are in a non-federalized status under control of the Governor they are state funded, such as; being a forest fire fighter vs. federal while being a soldier in Iraq.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. GALLIK closed. He said that **SEN. GALLUS** will carry HB 139.

EXECUTIVE ACTION ON HB 67

{Tape: 1; Side: B; Approx. Time Counter: 11.8 - 12}

Motion/Vote: **SEN. SQUIRES** moved that HB 67 BE CONCURRED IN.
Motion carried unanimously by voice vote. **SEN. COONEY** will carry the bill.

EXECUTIVE ACTION ON HB 107

{Tape: 1; Side: B; Approx. Time Counter: 15 - 16}

Motion/Vote: **SEN. SQUIRES** moved that HB 107 BE CONCURRED IN.
Motion carried unanimously by voice vote. **SEN. GRIMES** will carry the bill.

EXECUTIVE ACTION ON HB 139

{Tape: 1; Side: B; Approx. Time Counter: 16 - 18}

Motion/Vote: **SEN. COCCHIARELLA** moved that HB 139 BE CONCURRED IN. Motion carried unanimously by voice vote. **SEN. TROPILA** will carry the bill.

ADJOURNMENT

Adjournment: 3:50 P.M.

SEN. CAROLYN SQUIRES, Chairman

CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

EXHIBIT ([sts48aad0.TIF](#))